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DEPARTMENT OF LABOR AND INDUSTRY



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**REPORT TO GOVERNOR, LEGISLATURE,
&
CITIZENS OF MONTANA**

DECEMBER 1992

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Mission Statement

The purpose of the Department of Labor and Industry is to promote the well-being and opportunities of Montana's workers and employers, and uphold the rights and responsibilities of both.

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DEPARTMENT OF LABOR AND INDUSTRY

COMMISSIONER'S OFFICE



STAN STEPHENS, GOVERNOR

P.O.BOX 1724

STATE OF MONTANA

(406) 444-3555
FAX (406) 444-1394

HELENA, MONTANA 59624



To the Governor, Legislators and Citizens of Montana:

In our present environment, change is everywhere around us. Products, markets, technologies, and skills are in a constant state of change as we compete in the world.

Much has been written lately about the need to change government — to shed away decades-old ways of doing business and to be more responsive to the needs of the public. To be customer-focused, mission-driven, and results-oriented. I agree.

In addition to our other day-to-day duties, the department staff has committed the past four years to implementing a changed management structure and improving our customer focus. We are working continually toward enhancing staff involvement and empowerment and gathering input from our customers — the public.

To that end, in 1990 we have introduced a department-wide Total Quality Management initiative called QUALITY WORKS, initiated a strategic planning process called TEAM 2000 — QUEST TO EXCEL, and reorganized to provide improved services to both internal and external customers.

Obviously, we will never complete these tasks, but, the journey has started. Our efforts, to date, are evidence of our commitment to the changes in government that the public demands and deserves.

It is a pleasure to report to you on our progress.

Sincerely,

A handwritten signature in black ink that appears to read "Mike Micone".

MIKE MICONE

Commissioner

Department Overview

The **Montana Department of Labor and Industry** operates as part of a national employment, unemployment insurance, and job training system that assists individuals in preparing for and finding jobs, assists employers in finding workers and helps workers obtain benefits if they are temporarily unemployed through no fault of their own.

Additionally, the department enforces state and federal labor standards, enforces state and federal safety-occupational health laws, provides adjudicative services in labor-management disputes, conducts research and collects employment statistics that enable strategic planning.

Structurally, the department is comprised of the following divisions:

- Job Service Division
- Unemployment Insurance Division
- Employment Relations Division
- Research, Safety & Training Division
- Legal Services Division
- Human Rights Commission
- Workers' Compensation Court

The Human Rights Commission and the Workers' Compensation Court are attached to the department for administrative purposes.

The department's divisions have separate missions each of which provide distinctly different services to Montana's employees and employers. This diversity provides the agency with a unique ability to identify, understand, and resolve worker and employer issues. Having a statutory

mandate to be an advocate for both workers and employers provides the department a daily opportunity to use the best methods of resolving conflict, enhancing labor and management cooperation, and protecting, training, and developing Montana's work force.

The **Commissioner's Office**, comprised of three major offices, provides central services to the seven divisions. The Commissioner's Office staff act as agency liaisons to the Legislature, general public, and executive agencies and assist the divisions in resolving major issues that affect the department's mission.

The **Office of Administrative Support** provides accounting, financial administration and reporting, purchasing, payroll, mail, building maintenance, duplicating, word processing, personnel and training services to the entire department. The **Office of Information Services** provides computer network and information services to the department and interfaces Labor and Industry's automated data with other state agencies. The **Office of Budget, Planning and Implementation** develops and monitors the department budget and develops methods to best utilize available resources. In addition, the **Office of Budget Planning and Implementation** provides the necessary oversight for agency planning, and is responsible for analyzing and reporting program results and outcomes.

... diversity provides the agency with a unique ability to identify, understand, and resolve worker and employer issues ...

COMMISSIONER'S OFFICE

FY92 EXPENDED

\$2,819,384	FTE'S
	63.50

STATE GENERAL FUND: \$0.00

OTHER FUNDING: \$2,819,384

REQUESTED

FY 94

\$3,133,121

FTE's - 61.50

REQUESTED

FY 95

\$3,062,132

FTE's - 61.50

FY 91-92 BIENNIAL CHANGES

The following narratives represent some of the major projects undertaken by the Commissioner's Office during the past two years. These undertakings are generally projects that have a department-wide impact on management practices or department policy.

Quality Works

Quality Works is a recent agency initiative designed to train staff in developing a new organizational culture and management philosophy. This philosophy is customer-focused, service-driven, results-oriented and empowers staff to make their own decisions through a participatory style of management. To create a new work place culture, the department is dedicated to:

- satisfying customer needs
- creating an environment of continued improvement
- empowering staff to make decisions, and
- increasing teamwork and employee participation.

As a result, a new sense of employee pride and ownership over agency functions is now driving us to meet our mission responsibilities and provide quality services to our customers.

A new sense of employee pride and ownership over agency functions is now driving us to meet our mission.



Bob Mullen 444-1606



Team 2000 is a long-term, strategic

planning initiative which involves both employees and customers in establishing department goals and objectives. Team 2000 is a disciplined, information gathering and planning system which simultaneously identifies and meets the needs of the customers we serve and the individuals who work for the department. The process is intended to organize and use the great variety of labor and employment-related data to produce fundamental decisions that shape the department's future direction while meeting its mission objectives. The following goals have been established for the department:

- TO BE THE UNMATCHED LEADER IN SERVICE DELIVERY
- TO BE THE BEST ADVOCATE FOR EMPLOYEES AND EMPLOYERS
- TO USE INFORMATION TECHNOLOGY TO OUR UTMOST ADVANTAGE
- TO BE THE BEST PLACE TO WORK
- TO SUCCESSFULLY MARKET OUR SERVICES

These goals generated over 500 department ideas that were separated into short-term (FY94-95 Executive Planning Process) and long-term ideas. Team 2000 will be continually updated to gather needed input from all customers using our services.

Unemployment Insurance Administrative Tax

The continuing issue of Unemployment Insurance Administrative Tax has placed the Department in the precarious position of spending at a level which exceeds the tax revenue in the current biennium. Our projections indicate an inability to fund existing programs after FY95.

Because of concerns for future UI Administrative Tax shortfalls, the 1991 Legislature instructed the Department to develop guidelines for the future of the UI Administrative Tax. This issue is addressed on page 6 of this report.

FY 94-95 Goals

The department has adopted the following goals for the 1994-1995 biennium:

To ensure the delivery of quality services that satisfy customer needs.

- Survey and consult department customers about the quality of services.
- Provide training opportunities to staff that will enhance their ability to meet customer needs.

To continually improve or re-engineer work processes.

- Study and redesign department work processes to improve their efficiency and effectiveness.
- Develop accounting and budget systems that enable each work unit to monitor and evaluate its own operations.
- Develop department-wide performance measurement criteria that enables this agency to focus

on program results and the quality of service delivery.

- Optimize the use of information technology by developing a comprehensive, shared information system; automate functions utilizing interactive voice, imaging, and networking technologies; and utilize telecommuting and teleconferencing to improve department communications.
- Monitor the budget for compliance with state and federal mandates and legislative intent.

Empower staff to remedy problems at the earliest point of contact.

- Develop policy and procedures to promote decentralized decision-making in the department.
- Eliminate outdated and unnecessary rules and regulations that impede customer service.

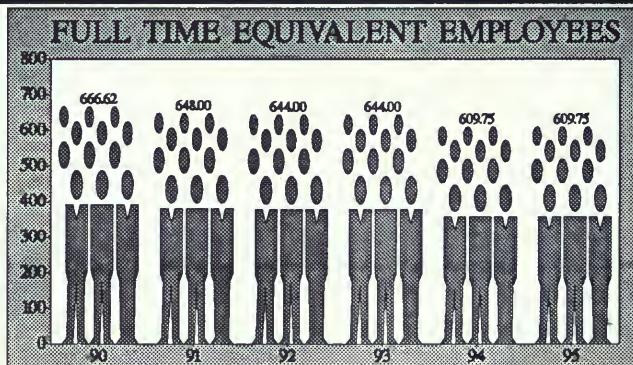
Educate public and private organizations about meeting customer needs with declining resources.

- Promote the department's role as an advocate of human services and economic development.
- Advocate a flexible budget system that meets customer needs.
- Identify and promote inter-departmental and intra-departmental projects to minimize the effect of budget cuts to the department's services.
- Develop and maintain a long-range business plan which will anticipate administrative changes and provide vision for defining the agency's future.

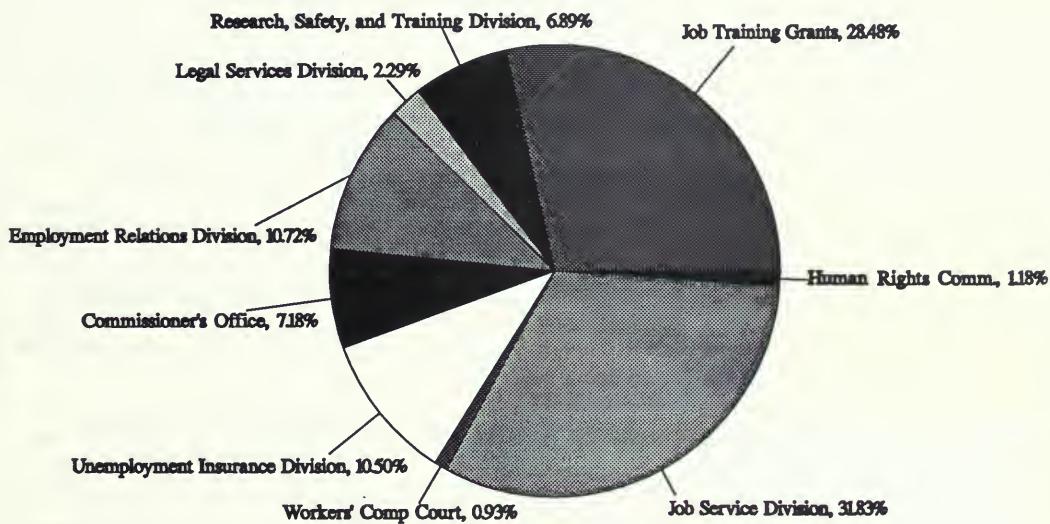
... optimize the use of information technology and automate department functions.

INCOME and EXPENDITURE SUMMARY**CURRENT LEVEL****AS OF DECEMBER 1, 1992**

Fund Source:	FY92	FY94	FY95
General Fund	743,746	1,098,801	1,070,365
Other Funds	40,374,131	41,093,186	41,174,934
Total	\$41,117,877	\$42,191,987	\$42,245,299
<hr/>			
Expenditures:			
Personnel Costs	17,889,126	18,742,818	18,767,872
Operating Expenditures	7,838,064	9,162,227	9,109,732
Equipment	480,532	501,320	441,073
Grants	13,542,253	12,156,795	12,156,795
Benefits & Claims	1,367,902	1,628,827	1,769,827
Silicosis Benefits			
Subsequent Injury Fund			
Uninsured Employers Fund			
Total	\$41,117,877	\$42,191,987	\$42,245,299
<hr/>			
EXPENDITURES BY PROGRAM:			
Job Service Division	12,552,669	13,334,822	13,308,525
Unemployment Insurance Division	3,911,173	4,406,069	4,444,934
Commissioner's Office	2,819,384	3,133,121	3,062,132
Employment Relations Division	3,953,893	4,380,478	4,505,583
Legal Services Division	858,685	985,354	987,427
Research, Safety, & Training Division	2,700,950	2,879,440	2,883,868
Human Rights Commission	426,680	503,363	503,143
Workers' Compensation Court	358,190	418,545	398,892
Job Training Grants	13,536,253	12,150,795	12,150,795
Total	\$41,117,877	\$42,191,987	\$42,245,299



DISTRIBUTION OF FUNDS BY PROGRAM - FY92



Unemployment Insurance Administrative Tax History and Issues

There is concern for this funding source being used to subsidize the general fund.

The U.I. Administrative Tax (39-51-404, MCA) was enacted and implemented in 1983. The purpose of this employer payroll tax (.1%) was to protect employment security services in the face of anticipated federal funding cutbacks. Specifically, the original legislation was intended to maintain a base level of public employment services in Montana communities. Any funds not needed for the funding of appropriated services were to flow to the U.I. Trust Fund.

Because of concerns for future funding revenue shortfalls, the 1991 Legislature instructed the Department to develop guidelines for the future use of the U.I. Administrative Tax.

Public Input

On April 14, 1992, the Department sent approximately 180 requests for comments from interested parties. These parties included: Human Resource Development Councils, Private Industry Councils, Councils of Commissioners, Montana Job Training Partnership, Inc., Displaced Homemaker program operators, local Job Service Office managers, Job Service Employers' Committees (JSEC), labor organizations, Human Services Appropriations Subcommittee, OPI, Apprenticeship programs, Job Training Coor-

dinating Council members, county commissioners, and other effected program operators.

Of the responses received, approximately one-half supported the proposed guidelines and one-half either opposed the guidelines or advocated a differing option.

SUGGESTED DEPARTMENT GUIDELINES FOR FUTURE ALLOCATION OF UI ADMINISTRATIVE TAX FUNDS

- 1) Appropriate the U.I. Administrative Tax only to cover shortfalls in those programs funded by the Federal Unemployment Tax Act, the employment service program, and the unemployment insurance program.
- 2) Appropriate funding to allow these programs to operate at the level approved by the legislature.
- 3) Over a five to six year period, do a funding shift from UI Administrative Tax to general fund in those employee-employer related programs that are directly administered by the department. These directly administered programs include wage and hour, prevailing wage, collective bargaining, apprenticeship, and the appeals and hearings programs within the Department of Labor and Industry.
- 4) Fund no other activities with the U.I. Administrative Tax. If the fund has excess revenue, it should be transferred to the UI Trust Fund in accordance with the statute.



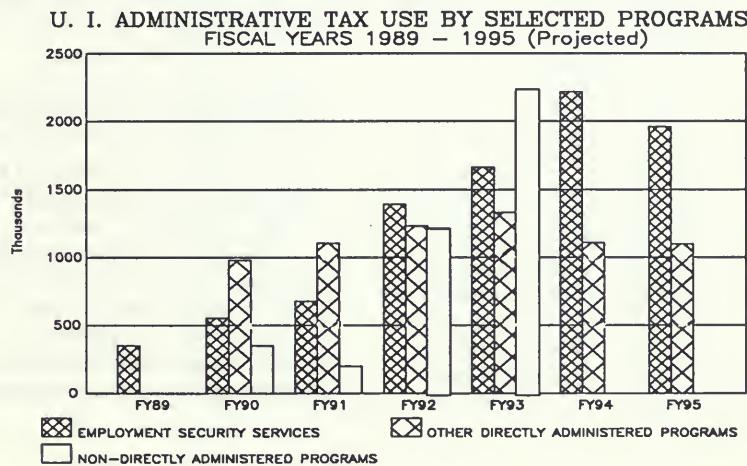
*Brian McCullough
444-3084*

Unemployment Insurance Administrative Tax Background

Since 1983, The Department has lost real dollars to significant federal cutbacks. Employment security functions have been negatively affected by the fact that federal funding has failed to keep pace with inflation. As a result,

to this funding source during this period. In addition, other public job-training and related programs such as displaced homemakers, drop-out prevention programs for at-risk high school youth, job training programs for dislocated workers, economically disadvantaged individuals, chronically

The Department proposes to restore the original legislative intent to the use of the Unemployment Insurance Administrative Tax.



beginning in fiscal year 1988, the legislature permitted this source of revenue to fill the gap between federal and state appropriations.

Compounding this consistent funding gap, the 1989 Legislature converted a myriad of former general fund programs to the UI Administrative Tax funding source. Highly visible and worthy employer-employee programs such as wage and hour, collective bargaining, prevailing wage, apprenticeship, and the hearings and appeals functions were converted

unemployed youth and adults, and day care programs have been funded from this source. In the 1992 Special Session, \$1.5 Million of UI Administrative Tax funds were transferred to the general fund.

It can be seen that budgetary pressures are forcing a continued reliance on the administrative tax fund to narrow the gaps between federal and state appropriations, to fund the subsequently

converted programs, and to assist the state's general budgetary weaknesses.

Issue

Continuing use of this funding source has placed the Department in the precarious position of spending at a level which exceeds the revenue from the tax in the current biennium. Our projections indicate that this trend will continue unless changes are made in the near future.

The recommendations that the Department proposes would restore the original intention of the legislation. That is, **we recommend that the Legislature appropriate the funds only to fund employment security services – employment services and unemployment insurance programs.** The Legislature should resume funding all other

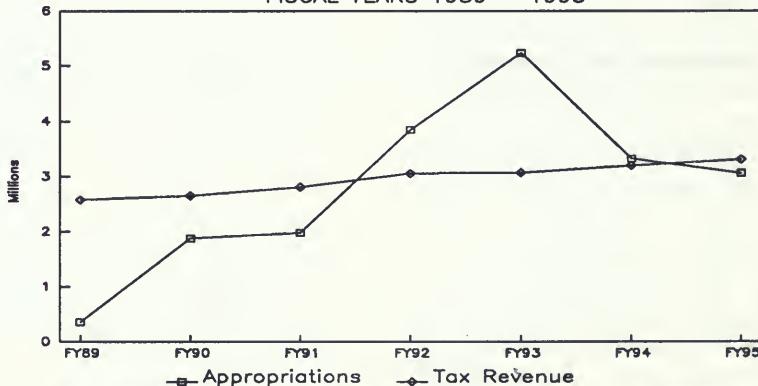
services presently funded with the UI Administrative Tax with general fund or other appropriate revenues. This conversion could be phased in over a period of time commensurate with the liquidity of the UI Administrative Tax fund.

For the 1995 biennium, the Governor's Office has concurred to budget modifications that would fund Project Work Program (PWP), Displaced Homemakers, and Jobs for Montanas' Graduates (JMG) with general fund revenue.

The Department believes that the term "administrative purposes" as used in Section 39-51-404 (4), MCA, means "the implementation of programs by the department, utilizing agency staff, wherein the Commissioner is empowered to exercise immediate supervision and control of financial resources".

Because of concerns for future funding revenue shortfalls, the 1991 Legislature instructed the Department to develop guidelines.

U. I. ADMINISTRATIVE TAX FISCAL YEARS 1989 – 1995



Appropriated amounts do not include pay plan or benchmarking changes during the '95 biennium.

COMMISSIONER'S REPORT TO THE GOVERNOR, LEGISLATURE AND CITIZENS

III. ADMINISTRATIVE TAX
03-Dec-92

DRAFT

	FY83-90 actual	FY89 actual	FY90 actual	FY91 actual	FY92 actual	FY93 budget	FY94 request	FY95 request	FY96 projected	FY97 projected
BEGINNING BALANCE		2,219,365	4,611,621	5,667,569	6,913,464	5,025,773	3,149,304	3,212,440	3,608,757	3,759,745
UI Admin Tax	10,477,855	2,576,409	2,649,488	2,806,983	3,049,458	3,211,642	3,343,346	3,476,000	3,614,291	3,758,025
Interest	417,876	165,847	283,672	418,113	392,542	141,707	128,806	138,618	183,730	211,024
TOTAL REVENUE	10,895,731	2,742,256	2,933,160	3,225,096	3,442,000	3,353,349	3,472,152	3,614,618	3,798,021	3,969,109
Job Service	350,000	551,172	602,902	1,243,178	1,563,259	2,158,298	1,987,226	2,345,915	2,439,752	
Jobs for Montana Graduates		96,941	131,813	124,485	0	0	0	0	0	0
Unemployment Insurance		73,039	99,889	100,000	132,391	137,027	142,508	148,208		
Employment Relations	543,163	584,760	659,527	698,513	581,831	581,171	604,418	628,595		
Legal Services	186,843	161,384	209,610	231,300	231,114	279,533	290,714	302,343		
Research/Safety/Training	247,301	260,923	273,821	277,875	253,382	253,344	263,478	274,017		
Displaced Homemakers	216,000	199,272	214,694	216,000	0	0	0	0		
New Horizons Day Care	106,725		91,285	285,145	0	0	0	0		
Project Work	26,008		0	0	0	0	0	0		
New Horizons			0	0	0	0	0	0		
JTPA Shortfall			1,732,241	0	0	0	0	0		
TOTAL EXPENDITURES	350,000	1,877,212	1,979,201	3,029,691	5,229,818	3,409,016	3,218,304	3,647,033	3,792,914	
To UI Trust Fund	(8,676,366)									
To General Fund	(8,676,366)									
TOTAL TRANSFERS										
ENDING FUND BALANCE	2,219,365	4,611,621	5,667,569	6,913,464	5,025,773	3,212,440	3,608,757	3,798,021	3,969,109	3,935,940

Notes:

- 1) FY94-95 expenditures includes executive budget recommendations for payplan
- 2) FY96-97 expenditures assume 4% annual inflation
- 3) Interest calculations based on 1-year T-Bill rates
- 4) FY96-97 expenditures for Job Service includes \$300,000 estimate for benchmark factoring

JOB SERVICE DIVISION



T. Gary Curtis 444-2648

*The future of Montana
is its people.*

The Montana Job Service Division provides a wide range of federally funded employment and training Programs through a network of 23 Job Service Offices. The Division acts as a labor exchange by listing jobs and referring qualified personnel to employers. Labor exchange functions are coordinated with other employment and training programs to meet local needs of the individuals and employers for training and retraining.

The Job Service Staff manage other programs to provide special assistance to veterans, migrant/seasonal farmworkers, dislocated workers, and welfare recipients.

The Job Service is able to provide applicants with a number of specific programs: testing, counseling, job development, job search assistance, out-of-area job search, referral to training programs or to other supportive services, and to take Unemployment Insurance claims.

Through the Job Service employers can receive assistance in employee recruitment and placement, testing for selected occupations, labor market information, assistance in seeking job tax credits, and technical assistance. The staff can, also, certify applications

ACTUAL FY92	REQUESTED FY94	REQUESTED FY95
EXPENDED	BUDGET	BUDGET
\$12,552,669	\$13,334,822	\$13,308,525
FTES - 323.85	FTE'S - 305.35	FTE'S - 305.35

of which:

State General Fund:	\$0
Other Funding:	\$12,552,669

for alien labor, and administer the Targeted Jobs Tax Credit Program.

A recently created program, Jobs for Montana's Graduates (JMG) assists Montana high school students to stay in school, graduate, and successfully make the transition from school to work. The program is based on the proven Jobs for America's Graduates (JAG) model. JMG identifies 10th and 11th grade students most at risk of dropping out of school and seniors most at risk of unemployment at graduation, to prepare them for career-oriented jobs, to match them with community job opportunities, and to provide long term follow-up.

RECENT ACCOMPLISHMENTS

- A successful Jobs for Montana's Graduates Program with 90% graduation rate and 85% employment rate for the participating high school graduates.
- Statewide access to available job announcements through conver-

sion of the computer systems.

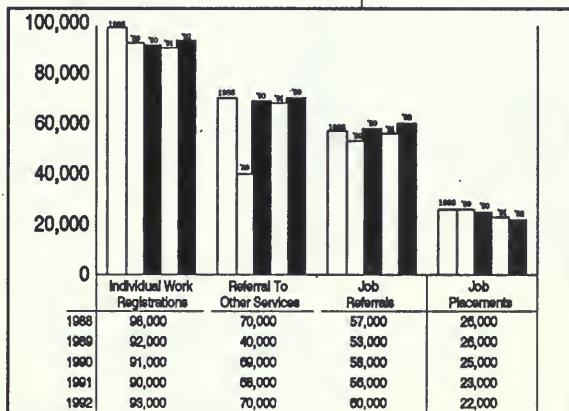
- Receipt of a federal grant to install touch screens (kiosks) in communities to allow citizens 24 hour access to job openings, and eventual access to Unemployment Insurance.
- Outstanding success with Job Service Employer Committees (JSEC) in that Montana has won several National and Regional competitive awards.

GOALS AND OBJECTIVES

- Provide all Montanans with access to employment-related services.
- Expand the geographical availability of employment-related services and information through the use of touch-screen computers (kiosks).
- Develop a self-service professional placement service, which is personal computer-based and allows education and health professionals to communicate directly with employers.
- Place 23,700 individuals in employment through job matching and job training services in each fiscal year.
- Cut costs in the Unemployment Insurance Claims taking process by taking claims over the phone and using touch-screen computers (kiosks) to gather claims information.
- Share labor market information, network and collaborate with

other Human Resource, Economic Development, and Education entities to improve the delivery of services.

- Focus on placing applicants in the best paying permanent jobs listed in local offices.
- Develop computer linkages across state lines, which allow job



openings to be screened by applicants (and applicants reviewed by employers) throughout the whole Northwest.

- Place 3,500 veterans in employment and provide other services to an additional 12,500 veterans each year.
- Provide Native American Outreach specialists to enhance basic labor exchange services to veterans on three reservations.

The goal of Montana Job Service Division is to provide all Montanans with access to employment-related services.

UNEMPLOYMENT INSURANCE DIVISION



Bob Jensen 444-2749

The results of a recent employer survey indicated that 91% of all employers were impressed with the job UI was doing.

The Unemployment Insurance Division administers a program which provides short-term economic assistance to eligible workers from a fund financed by employers. The Unemployment Insurance system is designed to help stabilize the economy by preventing a sharp drop in consumer spending during periods of unemployment. Montana employers provide coverage for their workers under this program by contributing to the Montana Unemployment Insurance Trust

Fund and by paying taxes into the Federal Unemployment Trust Fund. These funds provide for the administration and payment of benefits under the Unemployment Insurance Program. The beneficiary of Unemployment Insurance is paid once he/she establishes a wage history and meets criteria for involuntary loss of work and for work search established by state and federal regulations. The Regular UI Program provides benefits to claimants based on provisions of the Montana Employment Security Law. As of July 1, 1992, an individual could qualify for a \$209 maximum weekly benefit amount for up to 26 weeks. With the enactment of the Federal Emergency Unemployment Compensation Act, extended benefits are available until March 1993.

ACTUAL FY92	REQUESTED FY94	REQUESTED FY95
EXPENDED	BUDGET	BUDGET
\$3,911,173	\$4,406,069	\$4,444,934
FTES - 98.9	FTE's - 93.65	FTE's - 93.65

of which:

State General Fund: \$0
Other Funding: \$3,911,173

The staff of Unemployment Insurance Division are committed to truly serve the needs of employers and claimants and to continually challenge themselves to improve service.

RECENT ACCOMPLISHMENTS

- Collections Bureau deposited 99.4% of all receipts within 3 days, and reduced the accounts receivable from \$3 million in 1990 to \$2.3 million in 1991.
- Developed stronger working relationships with employers by distributing informational flyers and employer handbooks and by establishing Employer Advisory Groups.
- The results of the recently developed employer survey showed that Montana employers are impressed with the courteousness and promptness of the UI Division.
- Automated the production of tax refund checks, networked with a base system to charge other states when claimants have wages there, accessed Department of Revenue

mainframe information for contributions status, installed federal computer quality assurance system.

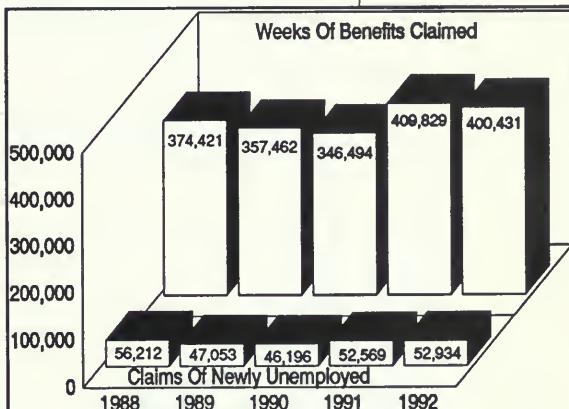
- Hired two Benefit collection specialists who collected over \$75,000 from old benefit overpayment accounts in the first seven months of the program.
- In spite of continued increased claims and Emergency Unemployment Compensation Act workload, processed every claim card the day it was received, assuring speedy UI payment.
- Implemented the Emergency Unemployment Compensation Act and paid over \$15 million in benefits to Montana unemployed citizens since December 1991.

GOALS AND OBJECTIVES

- To promote cost-effectiveness and efficiency, 1) study alternative ways to improve employers' registration, reporting and payment; 2) study alternative initial claims taking procedures; and 3) utilize the recommended technology (automated benefits system (BeAR) and the automated tax accounting system.
- Exceed Federal Desired Levels of Achievement (DLA's) in determining employer liability, securing delinquent reports and contributions, collecting taxes, conducting employer audits, and on intrastate claimants.
- Revamp appeal process by focusing on initial determination pro-

cess, including clearer, more detailed information regarding the decision.

- Review and implement suggestions from employer advisory groups.
- Decrease the contributions accounts receivable balance each year through aggressive receivables management.



- Establish a task force with Department of Revenue and Department of Administration to study consolidation of "independent contractor" determinations.
- Establish new training curriculum for staff and involve front-line staff in decision-making.

CONCERNs

That Federal funding will remain adequate for quality administration of UI programs.

That Legislative action may affect solvency of Trust Fund.

In spite of continued increased claims and Emergency Unemployment Compensation Act workload, the Benefits Bureau processed every claim the day it was received.

THE UNEMPLOYMENT INSURANCE TRUST FUND

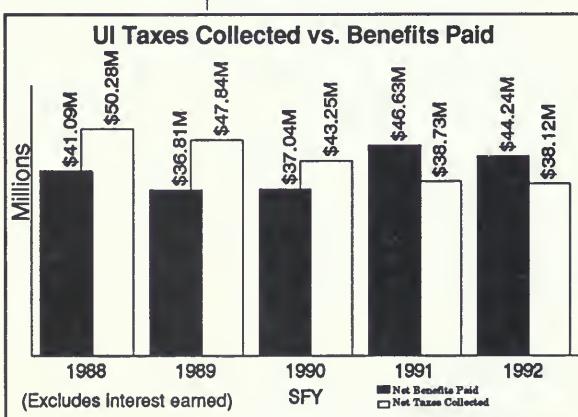
The UI Trust Fund, which is administered by the Unemployment Insurance Division, has provided a "safety net" to workers who lose their jobs through no fault of their own.

The UI Trust Fund is financed through tax contributions from Montana employers. The contribution rates are established by state law and are based upon employer experience and the adequacy of the trust fund. The tax rate is assessed against the first \$14,000 of salary for each covered individual and is paid entirely by the employer.

As intended, the Trust Fund has had a cyclical history: during recessionary periods, it is drawn down to provide temporary assistance and regenerates itself during more prosperous times.

unemployment insurance tax laws. The Trust fund deficit incited the reformation. The 1985 Legislature met the challenge of returning solvency to the UI Trust Fund, but not without developing compromises that placed increased costs on employers and decreased benefits for workers. Today, because of the positive steps taken several years ago, the Unemployment Insurance Trust Fund maintains a modest balance around \$90,000,000 and the federal debt has been repaid.

Although all elements of the compromise were important, one of the most significant reforms was adding a "trigger mechanism". The "trigger" is designed to be an automatic stabilizer that adjusts employer contributions based upon the adequacy of trust fund dollars. By reviewing the trust fund balance on October 31 of each year, the department determines the necessary "schedule" of tax contributions for the following calendar year.



The lengthy recession of the early 1980's caused a reformation of the

Trust Fund Solvency

During the 1991 Legislative Session, the Legislative Auditor's Office questioned the adequacy of the Unemployment Insurance Trust Fund after a US Department of Labor (USDOL) report identified concerns over trust fund balances around the country. The report recommended that Montana's Trust Fund be approximately \$130,000,000 or 1 1/2

times the highest cost year of benefits. The present \$90,000,000+ balance in the trust is roughly equivalent to one year's amount of benefits if Montana has a recession similar to 1982/83. When coupled with Montana's recent economic downturn, the Auditor's concerns were warranted and deserved our study and attention.

The Unemployment Insurance Division then evaluated the Fund's adequacy to meet future benefit needs. The study began in late 1991 and was completed in March, 1992 in the report, Solvency of Montana's U.I. Trust Fund - A Study of Adequacy.

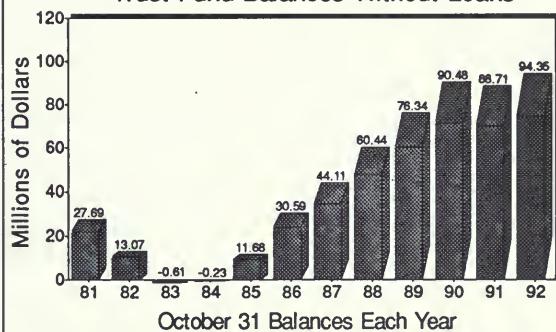
The study provided a 20-year historical perspective of the fund's tax collections, benefits, and adequacy under several differing scenarios. The report drew the following conclusions regarding the adequacy of the U.I. Trust Fund:

- Montana tax laws do not provide a mechanism to achieve a fund balance as high as USDOL suggests nor as high as adequacy guidelines used in other states. A repeat of recessions experienced during the past twenty years would again deplete reserves and require borrowing, although not as much borrowing.
- Montana's tax rates respond au-

tomatically to recession level benefit expenditures without the need for legislative intervention. The response is phased in as needed over several years to allow a two or three year recession to pass. Current law does not guarantee Montana will not borrow during a severe recession, but it has an automatic mechanism to rebuild itself during better times.

- Montana's tax laws have ratios to implement tax rates that seek a

MONTANA UNEMPLOYMENT INSURANCE
Trust Fund Balances Without Loans



moderate reserve. The law's automatic mechanisms attempt to reach a reserve balance approximating 2/3 of the highest criteria used by other USDOL states. If modifying tax law is desirable, any given adequacy standard can be achieved by adjusting the ratios which determine rate schedules.

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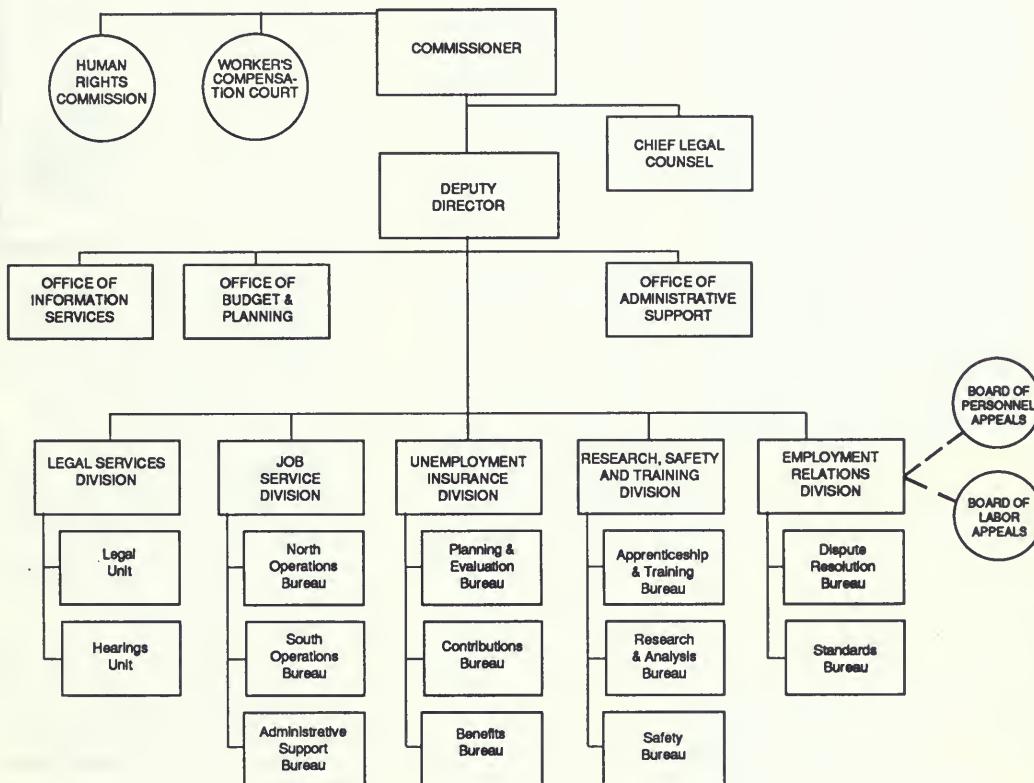
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STATE OF MONTANA

DEPARTMENT OF LABOR AND INDUSTRY



EMPLOYMENT RELATIONS DIVISION



Chuck Hunter 444-6530

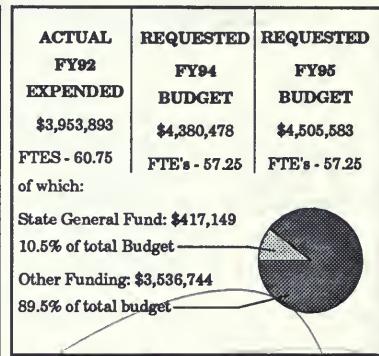
Even though the Employment Relations Division is serving and regulating Montana State Laws, state funding consists of only 10.5% of the total budget.

The Employment Relations Division provides a wide variety of service and regulatory functions related to the state's wage and hour laws, labor relations laws, and workers' compensation laws. The division has placed its primary emphasis on early attempts to informally resolve disputes between parties before formal, more costly and time-consuming procedures are necessary.

Approximately two-thirds of the division staff deal with worker's compensation compliance, a

function which was assigned to the division as a result of the creation of the State Compensation Mutual Insurance Fund by the 1989 legislature. The wage and hour function, along with the labor relations function, comprise the other third of staff activity.

The **Board of Personnel Appeals**, which hears disputes regarding both labor relations issues and wage and hour issues, is administratively attached to the division, with the division administrator and the labor relations staff providing administrative support. The Board is a five member board that reviews unfair labor practice cases, representation questions, classification appeals for state government employees, and grievances



brought by various state agencies.

The **Board of Labor Appeals (BOLA)** is a quasi-judicial, three person board, appointed by the Governor, normally meeting one day every three weeks. BOLA hears appeals concerning unemployment insurance benefits and unemployment insurance tax questions. Also, it determines questions of employee versus independent contractor status for purposes of unemployment insurance and workers' compensation. In FY 1992, the Board heard four hundred and forty-three (443) cases. The members serve four year terms. By law, one member must be an attorney.

The division is divided into two bureaus, Dispute Resolution and Standards.

The **Dispute Resolutions Bureau** provides a variety of dispute resolution services which assist organizations and individuals to arrive at early,

inexpensive settlements of workers' compensation disputes and obligations. Individual units within the bureau deal with specific issues relating to workers' compensation and the collective bargaining process.

The Labor Relations Mediation Unit provides assistance to public sector employers through mediation of contract disputes and representation questions in the area of collective bargaining. This unit also serves as the agents of the Board of Personnel Appeals.

The Workers' Compensation Mediation Unit provides for a procedure for mandatory, non-binding mediation of workers' compensation benefit disputes between insurers and claimants. The goals are to resolve cases informally at a minimal cost to the parties and to prevent further litigation. The unit's resolution rate has continued to increase since its inception in 1987.

The Rehabilitation Unit consists of a panel which recommends appropriate rehabilitation for injured workers. The program's goal is to return disabled workers to work at the optimum balance of training and cost.

The Claims Management Unit is charged with ensuring compliance with worker's compensation and occupational disease laws as they relate to benefits and claims. The unit examiners provide assistance to claimants and insurers by informing them of applicable laws

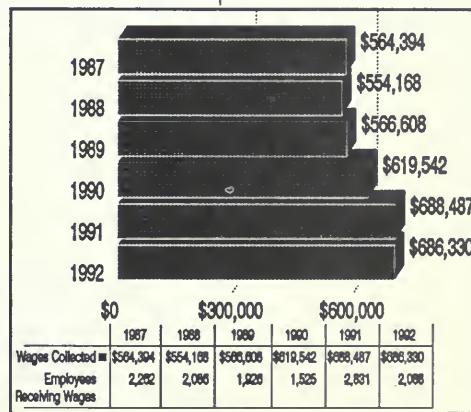
and assisting them in claims processing procedures.

The Files Management Unit provides support services to other bureau and division units by developing and maintaining a readily accessible database and filing system used to aid examiners and others in carrying out their responsibility to claimants and insurers.

The Standards Bureau has responsibilities relating to general employment obligations between employers and employees. The bureau performs primarily a regulatory and compliance function, but has increasingly expanded into a preventative role, such as assisting employer queries about the Workers' Compensation, Wage Payment, and Minimum Wage and Overtime Acts.

The Wage and Hour Unit provides a forum for the resolution of claims involving prevailing, minimum, overtime and unpaid wages. In a transitional phase, the unit is emphasizing the preventative approach through education and outreach while

The Employment Relations Division is composed of two Bureaus: the Dispute Resolutions Bureau, and the Standards Bureau.



continuing to assure compliance with the statutes it administers.

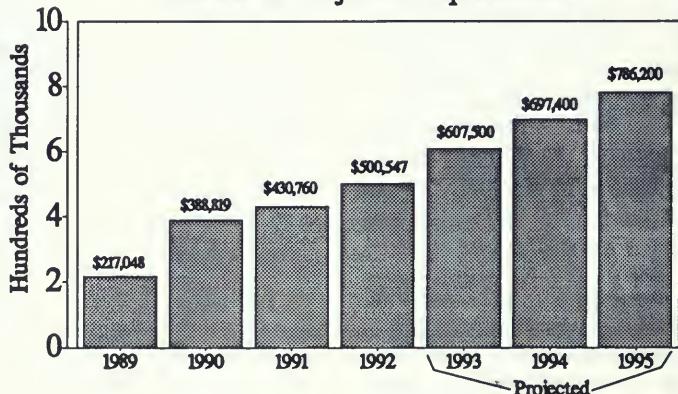
The Uninsured Employers' Fund Unit (UEF) ensures employers and employees are protected under the Workers' Compensation and Occupational Disease acts. The UEF enforces coverage requirements for all employers, pays benefits to injured employees of uninsured employers, and manages the fund from which benefits are paid. This unit also houses the toll free hotlines for Workers' Compensation fraud and for information on insurance coverage.

The Policy Compliance Unit assures that Plan 1 (self-insurers) and Plan 2 (private insurance companies) are in compliance with the requirements of the Workers' Compensation and Occupational

Disease acts. The unit ensures that employers applying for permission to self-insure have financial solvency and the ability to pay claims, and that security deposits are in a form that ensures immediate availability of proceeds in the event of financial insolvency.

The Subsequent Injury Fund Unit administers funds that are available to employers to limit their workers' compensation liability with certified vocational handicapped workers. It evaluates requests for certifications, pays claims and negotiates settlements.

Subsequent Injury Fund (Benefits Only) Historic & Projected Expenditures



The Medical Regulations Unit administers a program providing effective and equitable methods of health care cost containment; and works to establish better communications and education of medical providers, insurers and claimants as related to Workers' Compensation.

The Regulations Section regulates attorney's fees as they relate to workers' compensation cases by approving or denying attorney fee

agreements with clients. Also, within the Regulations Section is the Silicosis Benefit Program. Silicosis benefits are paid to widows of claimants and claimants suffering from silica dust-caused lung disease. All funding for the benefits program is provided from the general fund.

- Increase the decision-making authority of compliance officers to handle and settle issues at the earliest point of contact.

Annual Silicosis Benefit Costs



GOALS AND OBJECTIVES

- Establish a consensus medical fee schedule in the workers' compensation regulatory area.
- Increase the ratio between assessment and penalty collections within workers' compensation regulations.
- Promote the incentives for employers to hire vocational handicapped workers.
- Furnish third-party neutral labor relations services to labor-management disputants.

LEGAL SERVICES DIVISION



David A. Scott 444-4493

The Legal Unit practices preventive law by being actively involved in the departmental decision-making processes.

being actively involved in the departmental decision-making processes.

Legal assistance includes drafting rules, and reviewing legislation, researching and responding to requests for legal opinions. The legal staff make appearances before and on behalf of both Boards and the Human Rights Commission. They prepare pleadings, discovery documents, memorandums, and briefs. They appear in State District Courts, Workers' Compensation Court, the Montana Supreme Court, U.S. District Courts, and the U.S. Bankruptcy Court.

The Hearings Unit provides for impartial administrative hearings to employers and employees throughout Montana. The primary goal of the Hearings Unit is to

The Legal Services Division consists of a Legal Unit, and a Hearings Unit. David A. Scott, Administrator, directly supervises the attorneys and one legal secretary within the Legal Unit. Melanie Symons, an attorney, supervises the eight hearings officers and three secretaries assigned to the Hearings Unit.

The Legal Unit provides all legal services to the Commissioner and to the divisions, including counsel to the Board of Labor Appeals and the Board of Personnel Appeals. The Legal Unit practices preventive law by

ACTUAL FY92	REQUESTED FY94	REQUESTED FY95
EXPENDED	BUDGET	BUDGET
\$858,685	\$965,354	\$987,427
FTES - 18.0	FTE's - 17.5	FTE's - 17.5

of which:

State General Fund: \$0.00

Other Funding: \$858,685

settle or determine disputes through a neutral hearing process. The Hearings Examiners issue decisions in matters involving unemployment insurance benefits and taxes, wage and hour, Fair Labor Standard Act, collective bargaining, classification appeals, safety, and workers' compensation issues. In fiscal year 1992, the Hearings Unit opened two thousand, three hundred and eighty-four (2384) cases.

The Division is actively engaged in the Department's Quality Works program, using team management concepts. All employees participate in important internal administrative decisions. The Division serves its internal and external customers through the delivery of a timely quality product.

RECENT ACCOMPLISHMENTS

- Implemented a new case tracking system for daily workload monitoring.
- Actively pursued collection

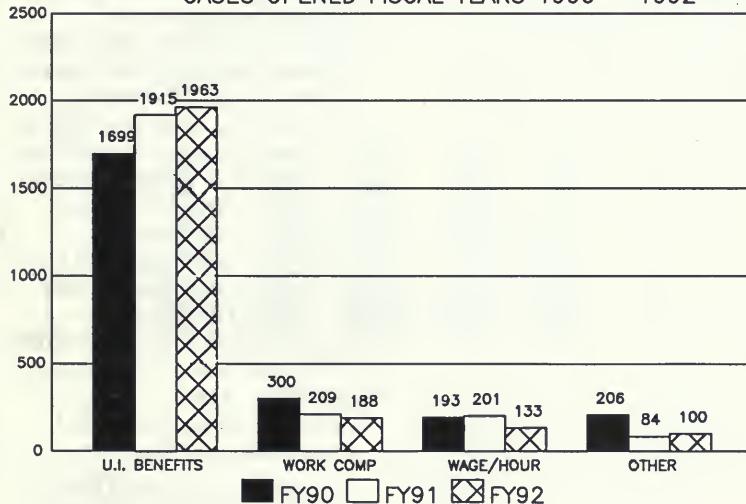
activities for Unemployment Insurance and Uninsured Employers' Fund, thus reducing outstanding debt to the State of Montana.

GOALS AND OBJECTIVES

- The National Judicial College is scheduled to provide essential training to all hearings examiners in Helena.
- Enhance knowledge and capabilities in Workers' Compensation matters.

The primary goal of the Hearings Unit within the Legal Services Division is to settle or determine disputes through a neutral hearing process.

LEGAL DIVISION HEARINGS WORKLOAD
CASES OPENED FISCAL YEARS 1990 - 1992



RESEARCH, SAFETY AND TRAINING DIVISION



Bob Andersen 444-4524

RSTD accomplishes the diverse tasks of researching and disseminating labor force data, promoting accident-free workplaces, and training workers.

The Research, Safety and Training Division provides research, analysis and planning for employment activities of the state's labor force. Additionally, the division is responsible for administering job training programs and ensuring job safety. The division, because of its diverse roles, is organized into three bureaus:

The Research and Analysis Bureau serves as an economic data gathering, as well as a data disseminating, agency. The bureau's primary function is to

provide economic and statistical data on Montana's labor force. The bureau continually conducts surveys which provide state-specific data for our use locally and also provides state and area data to the federal government for use in preparation of national statistics. Conservatively, over 50,000 surveys are mailed out each year from the bureau, with most being mailed to employers.

The bureau is the cooperating representative for all Federal Bureau of Labor Statistics programs. These include Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, Employment and Wage Report, Occupational Safety and Health Statistics, Job Training Partnership Act (JTPA) Technical Assis-

ACTUAL FY92	REQUESTED FY94	REQUESTED FY95
EXPENDED	BUDGET	BUDGET
\$2,700,950	\$2,879,440	\$2,883,868
FTES - 61.0	FTE's - 56.50	FTE's - 56.50

of which:

State General Fund: \$0.00
Other Funding: \$2,700,950

tance and the State Occupational Information Coordinating Committee (SOICC) and contracts for numerous short term projects.

The primary goals of the **Safety Bureau** are to minimize accidents and injuries in the work place, by effectively administering Montana's industrial safety laws, and providing safety consultation and training for Montana's employers and employees. Safety Bureau staff conduct inspections and safety consultations of public employers; safety and occupational health workshops for employers, associations and public agencies; private sector on-site consultations for employers requesting this service; examining boiler/crane/blaster applicants; inspections of boilers, metal, nonmetal and coal mines and miners safety training.

A new emphasis on total safety consultation service is being pursued to assist employers in safety training and implementing comprehensive safety programs. The ultimate goal of this effort is to reduce worker injuries and

workers' compensation premiums resulting from a marked decrease in costly accidents and injuries.

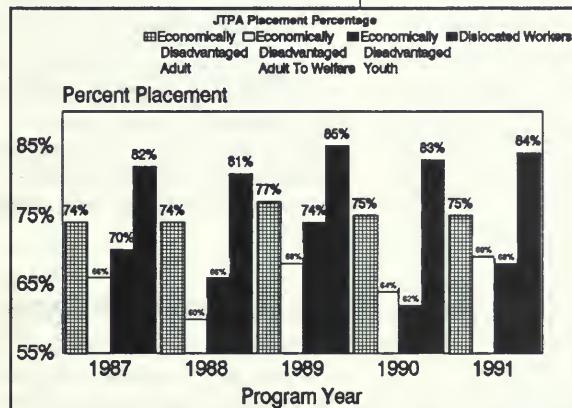
The Apprenticeship and Training Bureau administers several employment and training programs including Apprenticeship, Job Training Partnership Act (JTPA), Economic Dislocation and Worker Adjustment Assistance Act (EDWAA) and Displaced Homemakers.

Job Training Partnership Act (JTPA)

JTPA provides job training opportunities for untrained workers,

ity the bureau staff are responsible for preparing the Governor's Coordination and Special Services Plan and coordinating the plan with other social services agencies' plans. The bureau acts on behalf of the governor as the grant recipient and administrative entity for the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA). Through skills evaluation, career counseling, and job training this program helps dislocated workers quickly re-enter the labor force. A primary objective is to move workers from declining industries into industries projected to have stable employment prospects.

One of the most worthwhile programs in America today is the Job Training Partnership Act.



dislocated workers, economically disadvantaged people and those with multiple barriers to employment.

The bureau functions as the administrative entity and staff for the State Job Training Coordinating Council (JTCC). In this capac-

The bureau also administers the Displaced Homemaker Program, which provides necessary counseling, job training, job search assistance and health care for displaced

homemakers so they can enter the labor force and achieve independence and economic security.

Apprenticeship Program

The bureau is the state registration agency for Apprenticeship Programs and provides the staff for the Apprenticeship Advisory

Apprenticeship is a proven on-the-job training system in which apprentices acquire hands-on skills and earn wages while learning.

Council. The Montana Apprenticeship Program is a formal system of on-the-job training supplemented by related technical instruction in which the apprentice learns hands-on skills and earns wages while learning. The staff develops industry training standards with employers, sets up apprenticeship programs, provides technical assistance, and recruits workers to meet the needs of Montana's industries.

RECENT ACCOMPLISHMENTS

- Research and Analysis Bureau programs produced and distributed over 80,000 publications during the last two years. These included a career tabloid for high school students, occupational information newsletters, occupational supply/demand information, wages and fringe benefits by occupation, and many other labor market information publications.
- Research and Analysis Bureau staff made over 40 labor market and career information presentations at conventions and training sessions across the state.
- The Safety Bureau automated its manual boiler, crane and blaster licensing system, networked the system with the Office of Administrative Support and updated its automated boiler certification program.
- The Safety Bureau updated its administrative rules by adopting

- 1990 OSHA regulations for public sector employers and employees.
- Developed and coordinated the Dislocated Worker Unit Workgroup, composed of members from Research, Safety and Training Division, Job Service Rapid Response Unit, Montana Job Training Partnership, Inc., and Project Challenge: Work Again (AFL-CIO).
- Met or exceeded JTPA federal and state performance standards and goals. Both Service Delivery Areas earned incentive grants for high performance.
- In 1991, realized a 22% increase in total registered Apprenticeship sponsors and a 10% increase in total registered apprentices.
- Completed Apprenticeship EEO and Affirmative Action objectives to comply with new federal mandates, especially targeting employment opportunities for women in non-traditional occupations.

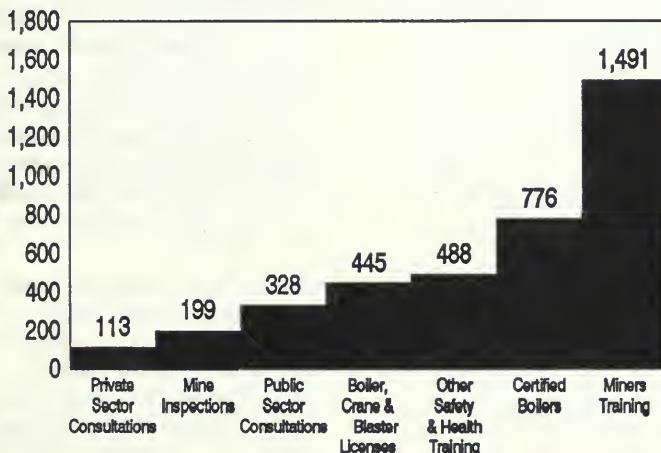
GOALS AND OBJECTIVES

- Expand Safety Bureau loss control and consultation services to employers and employees to significantly improve Montana's work place safety.
- Streamline the Montana Safety Act to provide more effective safety services to Montana's employers and employees.
- Statewide JTPA focus on most-in-need participants for

employment and job training services.

- Coordinate efforts with human services providers to prevent duplication of services.
- Use the Apprenticeship Marketing Plan to promote the Apprenticeship Program, expand the number of apprenticeship sponsors, expand apprenticeship programs into non-traditional trades, thus increasing employment opportunities for Montana citizens.
- Pursue a school-to-work transition program with Office of Public Instruction.
- Collect, publish and disseminate the highest quality federal and state labor market information.

FY 92 Safety Bureau Activities



HUMAN RIGHTS COMMISSION



Anne MacIntyre 444-3870

The Commission is a neutral, quasi-judicial board, appointed by the Governor, administered by 10 staff.

The Montana Human Rights Commission enforces the Montana Human Rights Act and the Governmental Code of Fair Practices and also educates Montanans about the law. By these activities, the Human Rights Commission promotes equality in Montana and reduces discrimination.

The HRC administers laws that prohibit discrimination on the basis of race, creed, religion, color, national origin, age, handicap, marital status, familial status, sex, and political belief in the areas of employment, public accommodations, housing, financial and credit transactions, insurance, education, and government services.

The Commission is a neutral, quasi-judicial, 5 person board, appointed by the Governor, administratively attached to the Department of Labor and Industry, and has a staff of 10. It has authority to adopt administrative rules to enforce all discrimination laws.

In most instances, cases filed with the Commission are resolved informally through the investigation and mediation efforts of the staff. However, when staff investigation and mediation efforts are unsuccessful, cases are heard either by the Commission or removed to district court. The Commission meets approxi-

TOTAL FY92	EXPENDED	REQUESTED FY94 BUDGET	REQUESTED FY95 BUDGET
\$426,680		\$503,363	\$503,143
FTE's - 10		FTE's - 10	FTE's - 10

of which:

State General Fund: \$326,597

77% of total Budget

Federal Funding: \$100,083

23% of total Budget



mately six times per year from one to three days to hear cases. These meetings involve hearing oral arguments from the involved parties, based on the record established before the hearing examiner.

RECENT ACCOMPLISHMENTS

- Increased resolution of discrimination complaints through investigation, conciliation and hearings.
- FY90 Completed 351 Cases, FY91 Completed 363 Cases, FY92 Completed 391 Cases. Of the 391 pieces resolved by the Commission, 45% were resolved in favor of the complainant, 54% in favor of the respondent.
- Attained substantial equivalency with the federal Fair Housing Act enforced by the U.S. Department of Housing and Urban Development so that the Human Rights Commission can continue to contract with HUD to continue to investigate federal fair housing complaints.

- Gave 18 fair housing training seminars to private landlords, public housing authorities, and other housing providers throughout Montana through a HUD grant. In addition this same HUD grant allowed the Human Rights Commission to conduct studies of housing discrimination in Montana. The result of the studies is a publication: "Equal Housing In Montana? A Study of Housing Discrimination". It can be obtained from the Human Rights Commission.

GOALS AND OBJECTIVES

- Close the increasing number of cases in a more timely manner.
- Reduce processing time at all levels, including intake, investigation, conciliation and hearings.
- Assuming current level of funding, close 400 cases per year. Close 50 additional cases per year for each additional FTE authorized in case processing function.
- Prevent discrimination by providing education and outreach to the uninformed service provider/employer before complaints are filed.
- Establish an interim legislative study of civil rights enforcement in Montana.
- Insure that, in resolving cases, the Human Rights Commission is taking steps to eliminate discrimination.



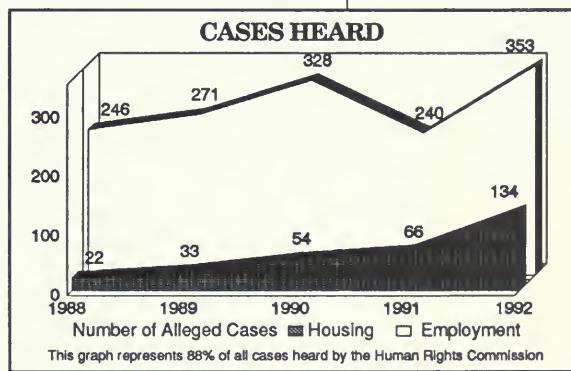
CONCERNs

The need for sufficient additional resources to allow the Human Rights Commission to process the number of cases being filed annually. Between FY88 and FY92, the new filings with the Commission have increased 87% with only an 11% increase in staffing. In the same period, productivity increased 38%.

The need to provide education for employers on issues of employment discrimination, especially on the basis of disability or handicap.

The need to review the manner in which Montana enforces civil rights laws.

One goal of the Human Rights Commission is to reduce processing time at all levels.



WORKERS' COMPENSATION COURT



Timothy W. Reardon, Judge
444-7794

The Workers' Compensation Court was created by the Legislature in 1975 to provide an efficient and effective forum for the resolution of disputes between the insurer/employer and the injured worker, or a worker disabled as a result of an occupational disease. This Court has exclusive jurisdiction for issues arising from the Workers' Compensation Act (§ 39-71-101 et seq) and the Occupational Disease Act (§ 39-72-101 et seq). Decisions of the Court are appealed directly to the Montana Supreme Court.

The Court consists of the judge, a law clerk, two hearing examiners, the clerk of court, and two deputy clerk/legal secretaries. The Court is attached to the department of labor and industry for administrative purposes only.

The Workers' Compensation Court conducts pretrials and trials in Billings, Great Falls, Missoula, Butte, Kalispell and Helena four times each year. The Court issues findings of fact and conclusions of law and judgments in those matters which go to trial. It also rules on numerous motions, and issues orders on appeals from the Department of Labor and Industry's final orders, which include, but are not limited to, disputes regarding occupational disease, rehabilitation,

The Workers' Comp Court is attached-to Department of Labor and Industry for administrative purposes only per MCA 2-15-1707 and 2-15-121.

ACTUAL FY92	REQUESTED FY94	REQUESTED FY95
EXPENDED	BUDGET	BUDGET
\$358,190	\$418,545	\$398,892
FTES - 8	FTES - 8	FTES - 8

of which:

State General Fund: \$0.00
Other Funding: \$358,190

impairment ratings, subrogation, and premiums.

Beginning in 1987 and continuing through 1991, the Legislature made substantial amendments to the laws regarding workers' compensation. Since the first of these legislative changes became effective, the Court has experienced a decrease in the number of petitions for trial being filed, and an increase in the number of appeals from the department of labor. While difficult to quantify, many cases require more extensive review and action. Since 1988 the Court has issued an average of 195 decisions, including findings and conclusions, substantive orders and attorney fee orders each year.

Other significant issues that warrant mention are the increase in the number of constitutional issues arising out of the legislative changes enacted since 1987 to Chapters 39-71 and 39-72, MCA, and the increased number of persons petitioning or appealing to the Court without the assistance of an attorney.

RECENT ACCOMPLISHMENTS

- The Court is current in its decisions. During calendar year 1992, the Court has issued decisions within 3 months of submission.
- Matters appealed to the Supreme Court are dismissed or affirmed approximately 70% of the time.
- Settlement conferences conducted by the Judge or a hearing examiner result in settlement approximately 50% of the time.
- Creative and efficient use of computer system, and the reorganization of office responsibilities has resulted in reduction of staff by one FTE.
- Procedural rules have been revised to improve efficiency, lower costs, and to adopt procedures to meet legislative directives.

GOALS AND OBJECTIVES

- To issue accurate and consistent decisions within twelve weeks of submission.
- Continue to resolve conflicts without protracted and costly litigation.
- Continue to provide fair and complete information to the increasing number of persons representing themselves.
- Provide employee training and advancement opportunities.

Publications available from Department of Labor and Industry

Job Service Division – (obtain these from Local Job Service Offices)

- Getting and Keeping a Job
- Merchandising Your Job Talents
- The Selection Interview
- Guide to Safety and Security - Field Manual
- Your Job - How to Lose It
- Tips for Finding the Right Job

Unemployment Insurance Division

Contributions Bureau – (obtain by calling 444-3834)

- Unemployment Insurance: A Montana Employer Handbook (UI-70)
- You Thought You Paid How Much in Wages?
- Employer Rights and Responsibilities
- Unemployment Insurance for Reimbursable Employers

Benefits Bureau – (obtain by calling 444-3783)

- What Do I Do With This Form?
- Montana Unemployment Insurance: A Guide to Your Rights and Responsibilities
- Claimant Guide: Emergency Unemployment Compensation Program (EUCA-3)

Employment Relations Division – (obtain these by calling 444-6530)

- The Blue Book: MT Workers' Compensation Act & Occupational Disease Act, Annotated Statutes & Administrative Rules, 1991 \$15.00
- Wage Hour Laws of the State of Montana, 1991
- Quick Reference Guide: Montana's Wage/Hour Laws 1991
- Exempt from Workers' Compensation Coverage?

Research, Safety & Training Division – (obtain by calling 1-800-633-0229 or 444-4500)

- Statistics In Brief (MT Labor Market Information)
- Montana Employment and Labor Force Trends
- Montana SOICC Newsletter
- Annual Planning Information, published each July
- Montana Supply/Demand Report
- Mass Layoffs and Unemployment in Montana
- Occupational Injuries and Illnesses in Montana
- Wage and Fringe Benefit Information
- Business Birth/Death Study
- Montana's Growing and Declining Industries and Occupations, 1986-95
- Licensed Occupations in Montana
- Montana Apprenticeable Occupations
- Biennial Report of Apprenticeship Program Activities
- Guide to Apprenticeship
- Is a Apprenticeship for You?
- Planned Apprenticeship: Management's Approach to More Successful Operation
- JTPA Annual Report

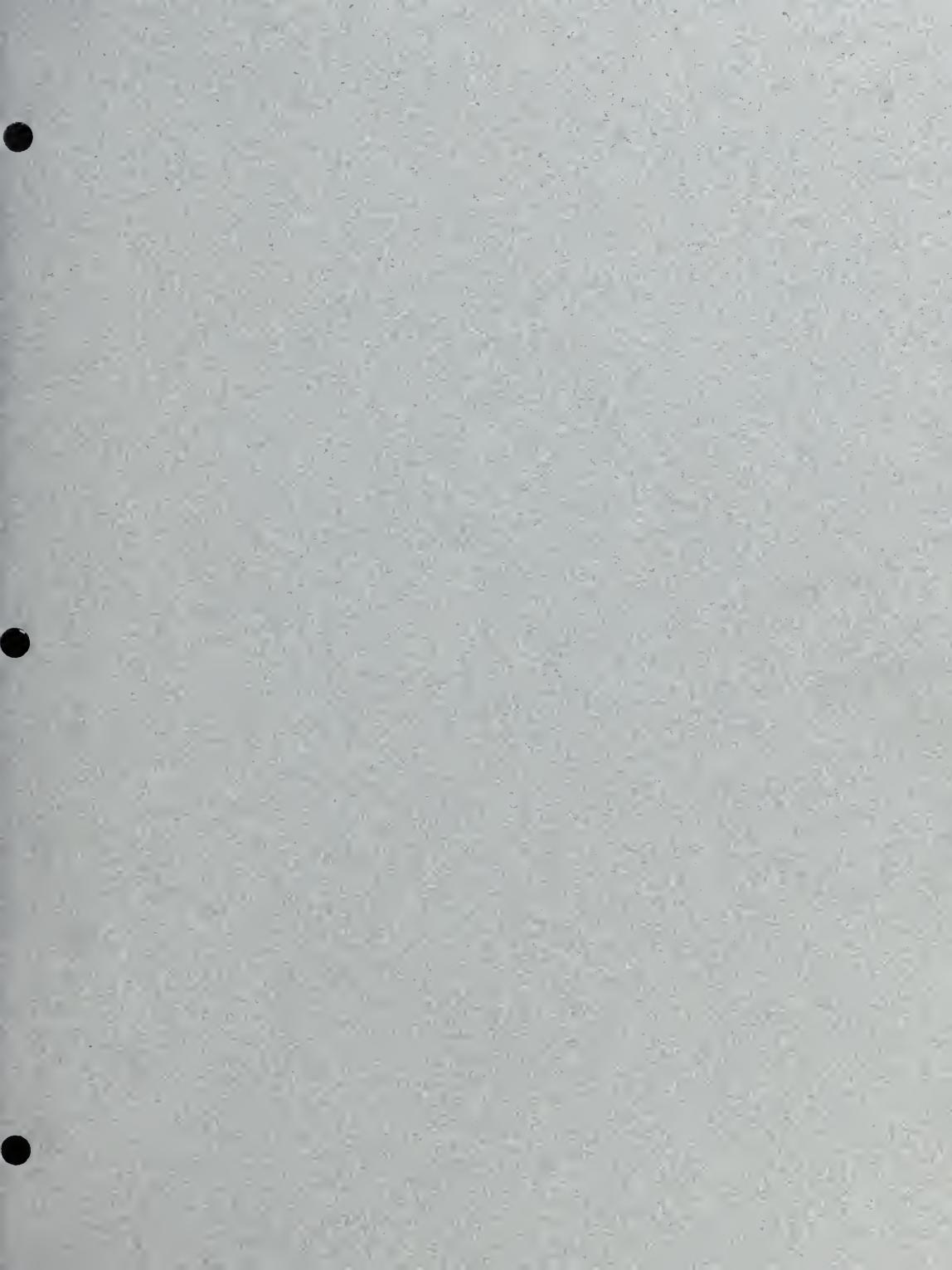
Human Rights Commission – (obtain by calling 444-2884)

- A Guide for Montana Citizens: The Montana Human Rights Commission
- A Guide for Employers and Employees: Employment Discrimination is Against the Law
- A Guide for Employers and Employees: Legal Rights of Pregnant Employees
- A Guide for Employers and Employees: Sexual Harassment is Against the Law
- A Guide for Employers: Model Equal Employment Opportunity Policy
- Fair Housing Brochure
- Fair Housing Assistance Program Report: Private Fair Housing Enforcement Focusing on American Indians
- Equal Housing in Montana? A Study of Housing Discrimination
- Fair Housing in Montana, Testers Manual

Workers' Compensation Court – (obtain by calling 444-7794)

- Rules of the Court
- Court Decisions - available @ 35¢ a page





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